

Article - Natural Resources

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§8–1808.10.

(a) This section applies to an application for subdivision or site plan approval within the resource conservation area that:

(1) Receives final local approval on or after July 1, 2008, unless an application for subdivision or site plan approval is submitted before July 1, 2008 and legally recorded by July 1, 2010; and

(2) Does not involve the use of growth allocation.

(b) (1) Except as provided under subsection (c) of this section, the minimum buffer shall be:

(i) 200 feet from tidal waters or a tidal wetland; and

(ii) 100 feet from a tributary stream.

(2) All provisions under COMAR 27.01.09.01 that are applicable to development activities within the 100-foot buffer, including the establishment of vegetation and expansion requirements, shall apply to the 200-foot buffer.

(c) The 200-foot buffer may be reduced if:

(1) The strict application of the minimum 200-foot buffer would preclude:

(i) Subdivision of the property at a density of one dwelling unit per 20 acres, and all other State and local requirements will be satisfied; or

(ii) An intra-family transfer authorized under § 8–1808.2 of this subtitle; and

(2) The reduction will occur in accordance with local program procedures approved by the Commission.

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